

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SHIRLEY A. CORDLE and U.S. POSTAL SERVICE,
PROCESSING & DISTRIBUTION CENTER, West Palm Beach, FL

*Docket No. 99-1897; Submitted on the Record;
Issued November 2, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant sustained a recurrence of disability on November 5, 1998, causally related to her January 30, 1995 employment injury.

On February 26, 1995 appellant, then a 51-year-old distribution operations manager, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that she suffered from distress, anxiety and depression as a result of her federal employment. The Office of Workers' Compensation Programs accepted appellant's claim for dysthymia.

On December 9, 1998 appellant filed a notice of recurrence of disability (Form CA-2a) alleging that she experienced a recurrence of disability on November 5, 1998. She explained, among other things, that she was recently removed from her job. Appellant ceased working on November 5, 1998 and has yet to return to work.

The employing establishment submitted a joint-statement from Carl Downing, plant manager, and Sigi Sweatt, senior distribution operations manager, which indicated that they advised appellant on November 5, 1998 that she would be relocated to a different facility pending further investigation of allegations of misconduct on her part. Appellant was described as "upset and irate" and apparently expressed her belief that she was not being treated fairly. She was also noted to have been crying at some point during the conversation. The statement further indicated that appellant requested to go home because her head was hurting.

By letter dated December 18, 1998, the Office advised appellant that, based upon the information received, it appeared that she had sustained a new injury and not a recurrence of her previously accepted employment injury. The Office explained the requirements for establishing a recurrence of disability as well as the distinction between such a claim and a new traumatic injury or occupational disease claim. The Office also advised appellant of the need for medical evidence in support of her claimed period of disability.

By decision dated February 25, 1999, the Office denied appellant's claim for recurrence of disability. The Office explained that the November 5, 1998 employment incident was a new intervening incident, and thus, did not satisfy the requirements for establishing a recurrence of disability.

The Board finds that appellant failed to establish that she sustained a recurrence of disability on November 5, 1998, causally related to her January 30, 1995 employment injury.

Section 10.5 of the regulations defines a recurrence of disability as an "inability to work after an employee has returned to work, caused by a *spontaneous* change in a medical condition which had resulted from a previous injury or illness *without an intervening injury* or new exposure to the work environment that caused the illness."¹ The regulations further provide that a recurrence should be reported on Form CA-2a if it causes the employee to lose time from work and incur a wage loss.² However, a notice of recurrence should not be filed when a new injury, new occupational disease, or new event contributing to an already existing occupational disease has occurred.³ In these instances, the employee should file Form CA-1 or CA-2.

The record indicates that the basis for appellant's December 9, 1998 filing of Form CA-2a was a November 5, 1998 personnel action. On that date, the employing establishment advised appellant that she would be relocated to another facility pending further investigation of allegations of misconduct levied against her. Appellant was reportedly "upset and irate" over the decision to relocate her.⁴ Although she stated on her Form CA-2a that she had been removed from her job, there is no indication from the record that appellant was either suspended or otherwise relieved of her previously assigned duties on November 5, 1998. The employing establishment specifically indicated that work was available for appellant at the time she ceased working on November 5, 1998 and remained available thereafter.

As the instant claim for recurrence of disability is premised, in part, on a new event that purportedly contributed to or exacerbated an already existing occupational disease, the Office properly advised appellant of the need to file either Form CA-1 or CA-2. Consequently, her claim for recurrence of disability was properly denied.

¹ 20 C.F.R. § 10.5(x) (1999). A recurrence of disability also includes an inability to work that takes place when a light-duty assignment made specifically to accommodate an employee's physical limitations due to his or her work-related injury or illness is withdrawn, except when such withdrawal occurs for reasons of misconduct, nonperformance of work duties or a reduction-in-force. *Id.*

² 20 C.F.R. § 10.104(a) (1999).

³ *Id.*

⁴ As a general rule, an employee's reaction to administrative or personnel matters falls outside the scope of the Federal Employees' Compensation Act. *Dinna M. Ramirez*, 48 ECAB 308, 313 (1997). Furthermore, an employee's frustration from not being permitted to work in a particular environment is not compensable. *See Lillian Cutler*, 28 ECAB 125 (1976).

The February 25, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
November 2, 2001

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member